

AMENDING THE RECLAMATION PROJECT AUTHORIZATION ACT OF 1972 TO
CLARIFY THE ACREAGE FOR WHICH THE NORTH LOUP DIVISION IS AU-
THORIZED TO PROVIDE IRRIGATION WATER UNDER THE MISSOURI
RIVER BASIN PROJECT

NOVEMBER 7, 2003.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany H.R. 3209]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 3209) to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSES OF THE BILL

The purpose of H.R. 3209 is to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup Division is authorized to provide irrigation water under the Missouri River Basin Project.

BACKGROUND AND NEED FOR LEGISLATION

The Reclamation Project Authorization Act of 1972 authorized the construction of the North Loup Division of the Pick-Sloan Missouri Basin Program, located within the Loup River drainage basin in central Nebraska. The Division is operated by the Twin Loups Reclamation District and the Twin Loups Irrigation District. The Act authorizes full-service irrigation of 53,000 acres. This is a very specific number and it has become evident that the Districts can not meet this exacting requirement, and at the same time comply with other Federal, State, and local requirements.

Water service contracts and construction repayment contracts require the Districts to comply with Federal and State statutes, and to comply with Bureau of Reclamation rules and regulations con-

sistent with the provisions of the contracts. However, Federal and State statutes have different requirements for reporting irrigable service area. Given two conflicting requirements for designation of acres, it is impossible for the Districts to comply with Federal and State requirements while simultaneously designating exactly 53,000 acres, the number of acres stated in the Act.

Other circumstances, too, that are beyond the control of the Districts and the Bureau of Reclamation, are making it impossible for the Districts to cite an exact acreage total. Construction and condemnation for construction of roads is presently occurring within the District that will change irrigated ground to State Highway right-of-way. Buffer strips, riparian habitat easements, and other conservation program requirements have caused adjustments to irrigated areas as well. Adjustment of acres in the Districts to a number other than 53,000 acres is not a new concept, and is recognized in a contract between the United States and the Twin Loups Irrigation District.

COMMITTEE ACTION

H.R. 3209 was introduced by Congressman Tom Osborne (R-NE). The bill was referred to the Committee on Resources and within the Committee to the Subcommittee on Water and Power. On October 29, 2003, the Full Resources Committee met to consider the bill. The Subcommittee was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup Division is authorized to provide irrigation water under the Missouri River Basin Project.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 6, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC 20515*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3209, a bill to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project.

If you wish further details on this estimate, we will be pleased to provide them, the CBO staff contact is Melissa E. Zimmerman.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 3209—A bill to amend the Reclamation Project Authorization Act of 1972 to clarify the acreage for which the North Loup division is authorized to provide irrigation water under the Missouri River Basin project

H.R. 3209 would amend current law to authorize the North Loup division of the Missouri River Basin project to provide irrigation water to “approximately 53,000” acres instead of exactly 53,000 acres. CBO estimates that implementing the bill would have no effect on federal spending because implementing the bill would not authorize additional spending or modify the amounts charged for irrigation water.

H.R. 3209 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The staff contact for this estimate is Melissa E. Zimmerman. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**SECTION 501 OF THE RECLAMATION PROJECT
AUTHORIZATION ACT OF 1972**

NORTH LOUP DIVISION, PICK-SLOAN MISSOURI BASIN PROGRAM,
NEBRASKA

SEC. 501. The North Loup division heretofore authorized as an integral part of the Missouri River Basin project by section 9 of the Flood Control Act of December 22, 1944, as amended and supplemented, is hereby reauthorized as a unit of that project for the purposes of providing irrigation water for **【fifty-three thousand acres】** *approximately 53,000 acres* of land, enhancement of outdoor recreation opportunities, conservation and development of fish and wildlife resources, and for other purposes. The principal features of the North Loup division shall include Calamus and Davis Creek Dams and Reservoirs, Kent diversion works; irrigation canals; pumping facilities; associated irrigation distribution and drainage works; facilities for public outdoor recreation and fish and wildlife developments; and other necessary works and facilities to effect its purposes.